

REMARKS

This is in response to the Office Action mailed on May 16, 2007.

Claims 1, 31, 33 and 49 are amended. Claims 1-52 are now pending in this application.

Information Disclosure Statement

Reference AQ on the IDS filed on February 18, 2004 has not been considered because a publication date cannot be ascertained. If at least a year can be provided, the document will be made of record. Applicant may resubmit the reference at a later time with appropriate fees.

§102 Rejection of the Claims

Claims 1, 2, 4, 6, 8, 10, 11, 24, 25, 28, 31, 34, 36, 43, 47, 48 and 49 were rejected under 35 USC § 102(b) as being anticipated by Bailey, Jr. et al. (U.S. Patent 4,261,955). This rejection is respectfully traversed, as the reference does not show each and every element of the claims as amended. In particular, Bailey, Jr. et al., does not describe the use of a valve to regulate the flow of water vapor.

Claims 1, 4, 6, 8, 10, 11, 12, 15, 25, 28, 31, 34, 36, 39, 42, 43, 47, 48, 49 and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by Taschek (U.S. Patent 4,155,712). This rejection is respectfully traversed, as the reference does not show each and every element of the claims as amended. In particular, Taschek does not describe the use of a valve to regulate the flow of water vapor. While Taschek does mention the control of providing water to a water vapor generator, it does not directly control the flow of the water vapor.

Claims 1-4, 6, 8, 12-15, 18-23, 25, 31, 33-45 and 49-52 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kerrebrock et al. (U.S. Patent 5,372,617). This rejection is respectfully traversed. This rejection is respectfully traversed, as the reference does not show each and every element of the claims as amended. In particular, Kerrbrock et al., does not describe the use of a valve to regulate the flow of water vapor. Kerrbrock et al, does show a solenoid valve 68 in FIG. 4, but that appears to regulate the flow of liquid water, as it is down

stream from a feed water pump 66. Thus, Kerrbrock et al., does not describe the elements as arranged in the claims, and does not operate on water vapor, but regulates the flow of liquid water. Further, the fuel of Kerrbrock et al. operates on steam, which consists of water droplets. It does not operate on water vapor. A water pump 66 in Kerrbrock et al., would not make sense to include in a water vapor based power generator. It should also be noted that since Kerrbrock et al., is designed for providing power to a submarine, the operation of it on only water vapor may only produce a trickle of electricity if at all, and would likely be considered a complete failure and lack utility.

Claims 1-4, 6, 8, 18, 19, 31, 33-36, 43-45 and 49 were rejected under 35 U.S.C. § 102(b) as being anticipated by Werth (U.S. Patent 6,093,501). This rejection is respectfully traversed, as the reference does not show each and every element of the claims as amended. In particular, Werth does not operation on water vapor and does not describe the use of a valve to regulate the flow of water vapor.

§103 Rejection of the Claims

Claims 5, 9 and 32 were rejected under 35 USC § 103(a) as being unpatentable over any of Bailey, Taschek, or Kerrebrock in view of WO 01/85606. This rejection is respectfully traversed. Claims 5, 9 and 32 depend from claims that are believed allowable, and these claims are believed allowable for at least the same reasons.

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over any of Bailey, Taschek, or Kerrebrock in view of Hoffman et al. (U.S. Patent 4,055,632). This rejection is respectfully traversed. Claim 16 depends from claim 1 that is believed allowable, and this claim is believed allowable for at least the same reasons.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over any of Bailey, Taschek, or Kerrebrock in view of Hoffman et al. as applied to claim 16 above, and further in view of Suda (U.S. Patent 6,358,488). This rejection is respectfully traversed. Claim

17 depends from claim 1 that is believed allowable, and this claim is believed allowable for at least the same reasons.

Claims 26, 27 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey, Jr. et al. in view of Lehmeier et al. (U.S. Patent 5,942,344). This rejection is respectfully traversed. Claims 26, 27 and 46 depend from claim 31 that is believed allowable, and these claims are believed allowable for at least the same reasons.

Claims 29 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Taschek. This rejection is respectfully traversed. Claims 29 and 30 depend from claim 31 that is believed allowable, and these claims are believed allowable for at least the same reasons.

Double Patenting

Claims 31 and 33-52 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,001,681. Applicant respectfully traverses this rejection at least on the basis that a prima facie case of obviousness-type double patenting has not been established. The Office Action admits that the allegedly conflicting claims are not identical, but does not provide any articulation of a reason as to why the claims of the reference anticipate or render the pending claims obvious. Upon such showing Applicant a suitable terminal disclaimer may be provided.

Claim 32 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,001,681 in view of WO 01/85606. Applicant respectfully traverses this rejection at least on the basis that a prima facie case of obviousness-type double patenting has not been established. The Office Action admits that the allegedly conflicting claims are not identical, but does not provide any articulation of a reason as to why the claims of the reference anticipate or render the pending claims obvious. Upon such showing Applicant a suitable terminal disclaimer may be provided.

Claims 1-4, 6-8 and 10-30 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 9-15, 18-21 and 36-40 of copending Application No. 11/247,435. Applicant respectfully traverses this rejection at least on the basis that a prima facie case of obviousness-type double patenting has not been established. The Office Action admits that the allegedly conflicting claims are not identical, but does not provide any articulation of a reason as to why the claims of the reference anticipate or render the pending claims obvious. Upon such showing Applicant a suitable terminal disclaimer may be provided.

Claims 5 and 9 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 9-15, 18-21 and 35-40 of copending Application No. 11/247,435 in view of WO 01/85606. Applicant respectfully traverses this rejection at least on the basis that a prima facie case of obviousness-type double patenting has not been established. The Office Action admits that the allegedly conflicting claims are not identical, but does not provide any articulation of a reason as to why the claims of the reference anticipate or render the pending claims obvious. Upon such showing Applicant a suitable terminal disclaimer may be provided.

Claims 1-4, 6-8, 10-31 and 33-52 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/907,294. Applicant respectfully traverses this rejection at least on the basis that a prima facie case of obviousness-type double patenting has not been established. The Office Action admits that the allegedly conflicting claims are not identical, but does not provide any articulation of a reason as to why the claims of the reference anticipate or render the pending claims obvious. Upon such showing Applicant a suitable terminal disclaimer may be provided.

Claims 5, 9 and 32 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/907,294 in view of WO 01/85606. Applicant respectfully traverses this

rejection at least on the basis that a prima facie case of obviousness-type double patenting has not been established. The Office Action admits that the allegedly conflicting claims are not identical, but does not provide any articulation of a reason as to why the claims of the reference anticipate or render the pending claims obvious. Upon such showing Applicant a suitable terminal disclaimer may be provided.

New claims 55-57 have been added. Support for the claims may be found at least in FIG. 4, which illustrates a liquid water barrier, and at page 12, lines 1-3 for temperature ranges consistent with the new claims.

Allowable Subject Matter

Claim 7 contains allowable subject matter as currently drafted but is subject to double patenting rejections as set forth above.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of

priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

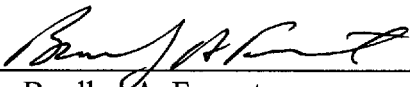
Respectfully submitted,

THOMAS M. REZACHEK ET AL.

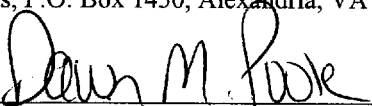
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of August, 2007.


Name


Signature